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10/758,359	01/15/2004	Lili Cheng	MS306033.01/MSFTP499US	5320

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EXAMINER	
HEFFINGTON, JOHN M	
ART UNIT	**PAPER NUMBER**
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/758,359	CHENG ET AL.	
	Examiner	Art Unit	
	John M. Heffington	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11,12 and 27-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *13-26 and 32-37* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the original filing of June 04, 2007. Claims 1, 2, 13, 14, 27, 29-32 and 35 have been amended. Claim 10 has been canceled by the applicant. Claims 13-26 and 32-37 have been canceled due to restriction. Claims 1-9, 11, 12 and 27-31 are pending and have been considered below.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-9, 11, 12 and 27-31, drawn to displaying and modifying graphical indicia representing a user or group of users, classified in class 715, subclass 805.

   II. Claims 13-26 and 32-37, drawn to managing, editing and communicating with a user profile, classified in class 715, subclass 745.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions represent two different fields of invention. Invention I relates to the

display, modification and update of a graphical indicium representing an online user. Invention II represents the management, editing and communication with a user profile.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Himanshu Amin on 7/25/2007 a provisional election was made with traverse to prosecute the invention of displaying, modification and updating a graphical indicium representing an online user, claims 1-9, 11, 12 and 27-31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-26, 32-37 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 6, 11, 12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Glenn et al. (US 2002/0021307 A1).

Claim 1: Glenn discloses a system that facilitates notifications, comprising:

a. a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals (paragraph 0053), and

b. a notifications component that dynamically renders at least one user selected graphical indicia representative of the entity's state (paragraph 0053).

Claim 5: Glenn discloses the system of claim 1 and further discloses the notification component dynamically renders annotations or comments as a function of entity state (paragraph 0069).

Claim 6: Glenn discloses the system of claim 1, the personalized indicium correlates to context of the entity's state (paragraph 0067).

Claim 11: Glenn discloses a server employing the system of claim 1 (paragraph 0043).

Claim 12: Glenn discloses the system of claim 1, and further discloses the notification component is used to facilitate dynamic rendering of the personalized graphical indicia

for at least one of instant messaging, e-mail, and telephone interaction (paragraph 0024, paragraph 0025).

Claim 27: Glenn discloses a method that facilitates notifications, comprising:

a. a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals (paragraph 0053), and

b. a notifications component that dynamically renders at least one user selected graphical indicia representative of the entity's state (paragraph 0053).

c. Presenting the at least one graphical indicia to a user (paragraph 0053)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2, 9, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (US 2002/0021307 A1) in view of Potter et al. (US 2002/0113797 A1).

Claims 2 and 9: Glenn discloses the system of claim 1, but does not disclose the notification component renders graphical indicia as a function of a devices capability. However, Potter discloses the notification component renders graphical indicia as a function of a devices capability (paragraph 0007). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the notification component renders graphical indicia as a function of a devices capability to Glenn. One would have been motivated to add the notification component renders graphical indicia as a function of a devices capability to Glenn because the larger the image and the greater its resolution, the larger the storage space requirements for a file representing the image and large storage space requirements can make many images unsuitable for use by devices that have limited storage capacity and processing power (e.g. hand-held devices such as Personal Digital Assistants (PDAs)).

Claim 29: Glenn discloses the method of claim 27, but does not disclose providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part

according to content. However, Potter discloses providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content (paragraph 0012). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content to Glenn. One would have been motivated to add providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content to Glenn to represent different attributes of the user represented by the graphical indicium could be represented by different tiles composing the indicium.

Claim 31: Glenn discloses the method of claim 27, but does not disclose providing multiple views of the at least one graphical indicia. However, Potter discloses the notification component renders graphical indicia as a function of a devices capability, which is a different view of the at least one graphical indicia (paragraph 0007). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add providing multiple views of the at least one graphical indicia to Glenn. One would have been motivated to add providing multiple views of the at least one graphical indicia to Glenn in order to provide different views of the at least one graphical indicia depending on the capability of the device.

10. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (US 2002/0021307 A1) in view of Werndorfer et al. (US 2004/0017396 A1).

Claim 3: Glenn discloses the system of claim 1, but does not disclose the graphical indicia changes based upon the length of time the entity is in the same state. However, Werndorfer discloses the graphical indicia changes based upon the length of time the entity is in the same state (paragraph 0066). Therefore, it would have been obvious to one having ordinary skill in the art at the time if the invention to add the graphical indicia changes based upon the length of time the entity is in the same state to Glenn. One would have been motivated to add the graphical indicia changes based upon the length of time the entity is in the same state to Glenn because a first user may forget to logoff when walking away from their computer and, therefore, a second user will know not to initiate a session with the first user because the first user will have had their status set to offline.

Claim 4: Glenn discloses the system of claim 1, but does not disclose an inference component that infers the state of the entity based on extrinsic data. However, Werndorfer discloses an inference component that infers the state of the entity based on extrinsic data (paragraph 0066). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add an inference component that infers the state of the entity based on extrinsic data to Glenn. One

would have been motivated to add an inference component that infers the state of the entity based on extrinsic data to Glenn in order to determine the probability that inactivity for an established period of time.

Claim 7: Glenn discloses the system of claim 1, but does not disclose a utility component that factors cost associated with rendering an incorrect image versus benefit of rendering a correct image. However, Werndorfer discloses a utility component that factors cost associated with rendering an incorrect image versus benefit of rendering a correct image (paragraph 0066). The cost of displaying the "idle" icon after a time period that is too brief would be that the user doesn't get messages when he/she is expecting to get messages, for example, from someone with whom they are actively conversing. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add utility component that factors cost associated with rendering an incorrect image versus benefit of rendering a correct image to Glenn. One would have been motivated to add utility component that factors cost associated with rendering an incorrect image versus benefit of rendering a correct image to Glenn so that a user would know that waiting too long to respond to a message would result in being not receiving messages.

Claim 8: Glenn and Werndorfer disclose the system of claim 7, and Werndorfer further discloses employing a statistical analysis (paragraph 0066). The greater the time set for displaying the "idle" icon means that there is a greater chance that the user is actually

idle, while the shorter the time for displaying the "idle" icon means that there is a lesser chance that the user is actually idle. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add employing a statistical analysis to Glenn. One would have been motivated to add employing a statistical analysis to Glenn so that the user could pick the optimum time for displaying the "idle" icon.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (US 2002/0021307 A1) in view of Yu (US 7,092,992 B1).

Claim 28: Glenn discloses the method of claim 27, but does not disclose ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use. However, Yu discloses ranking an email resource by popularity (column 10, lines 20-26). Though Yu does not disclose ranking a graphical indicium representing a user according to popularity, Yu discloses an email representation of a user. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use to Glenn. One would have been motivated to add ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use to Glenn because one would want graphical

indicia representing more popular users to be placed in a more visually prominent position.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (US 2002/0021307 A1) in view of Kan (US 2003/0088544 A1).

Claim 30: Glenn discloses the method of claim 27, further comprising communicating the at least one graphical indicia, formatting of the at least one graphical indicia, and state information represented by the graphical indicia in accordance with a web broadcast feed. However, Kan discloses sending messages via Rich Site Summary (RSS) protocol, a form of web broadcast feed (paragraph 0089). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add communicating the at least one graphical indicia, formatting of the at least one graphical indicia, and state information represented by the graphical indicia in accordance with a web broadcast feed to Glenn. One would have been motivated to add communicating the at least one graphical indicia, formatting of the at least one graphical indicia, and state information represented by the graphical indicia in accordance with a web broadcast feed to Glenn because RSS is a common protocol for transmitting messages.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
7/25/2007

Weilun Lo
Supervisory Patent Examiner